

Summary, Conclusions, and Next Steps



12

CHAPTER TWELVE



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Effective law enforcement intelligence operations are confusing, controversial, difficult, and effective. Intelligence is confusing because many people do not make the distinction between law enforcement intelligence and national security intelligence. Moreover, the term is used generically to describe a wide body of activities, thereby contributing to the confusion. One purpose of this guide was to provide consistent and clear definitions that are accepted by both law enforcement intelligence professionals and the national standards of the National Criminal Intelligence Sharing Plan, Global Justice Information Sharing Initiative, and the Global Intelligence Working Group.

Law enforcement intelligence operations are controversial both because of the checkered history of intelligence activities as well as the concern of many today that in the zeal to prevent terrorism, citizens' civil rights will be abridged. There is no doubt that law enforcement suffered some setbacks as a result of lawsuits against law enforcement intelligence practices of the 1950s and 1960s. However, with those setbacks important lessons were learned that not only set the stage for 28 CFR Part 23, but helped lay the foundation for law enforcement intelligence as a profession today.

Further controversies face law enforcement today as concerned citizens and civil rights groups, who often do not fully understand the intelligence function, fear that law enforcement agencies will gather and keep information about citizens who have not committed crimes but are exercising their civil rights on controversial issues. The lessons law enforcement has learned from public education and community policing initiatives can help eliminate these fears—not only through the practice of ethical policing²⁰⁹ but also by reaching out to diverse communities to explain police practices, respond to questions, and establishing open, trusted lines of communication.²¹⁰

209 The COPS Regional Community Policing Institutes RCPI have a variety of training curricula for executives and line officers on different aspects of ethical policing. Agencies should contact the RCPI in their region for training opportunities. RCPIs can be found by state at: <http://www.cops.usdoj.gov/default.asp?Item=229>.

210 The COPS Office sponsored an executive session with the Police Executive Research Forum that examined this topic. The resulting white paper, *Working with Diverse Communities*, is a valuable resource. It can be found at: <http://www.cops.usdoj.gov/mime/open.pdf?Item=1364>.

Intelligence operations are difficult as well. It requires work to establish links with different law enforcement organizations and groups to maximize effective information sharing. It also requires a redistribution of resources to make the intelligence function perform effectively and to meet operational and training standards set out in the National Criminal Intelligence Sharing Plan. A change in culture is required for Intelligence-Led Policing to become a reality and a realignment of priorities may be needed to accomplish new goals. There is always resistance to change and always legitimate competing interests that must be weighed.

Finally, law enforcement intelligence processes can be effective. Intelligence can help identify suspected criminals, targets of terrorists, and activities of criminal enterprises that occur in a community. It takes diverse and often disparate information, integrates it into a cohesive package, and provides insight that might otherwise be lost. Increasingly, law enforcement intelligence is more thorough, of higher quality, and disseminated more broadly as a result of cooperative initiatives such as the

National Criminal Intelligence Sharing Plan and the Global Justice Information Sharing Initiative, particularly through its subcommittee, the Global Intelligence Working Group. Similarly, there is a greater emphasis on law enforcement intelligence and a renewed spirit of partnership between the FBI and state, local, and tribal law enforcement (SLTLE) agencies that is already bearing fruit. The end result of all of these initiatives is to make our communities safer; hence, the investment pays important dividends for protecting our citizens.

Similarly, there is a greater emphasis on law enforcement INTELLIGENCE and a renewed SPIRIT of partnership between the FBI and state, local, and tribal law enforcement (SLTLE) agencies that is already bearing fruit.

Implementing Change: The R-Cubed Approach²¹¹

Implementing new intelligence initiatives can be difficult. As a road map to accomplish this, the author recommends a process referred to as “R-cubed”: Reassessing, Refocusing, and Reallocating (R3).

211 Carter, David L. (2000). [The Police and Community](#). 7th ed. Upper Saddle River, NJ: Prentice-Hall.

The intent of the R3 exercise is to provide a framework for organizational change as related to intelligence responsibilities. It requires a critical self-assessment of responsibilities and resources; objectivity absent special interests; realistic perspectives; both tactical and strategic considerations of traditional and new policing responsibilities; and methods (including financing) of how all police responsibilities will be accomplished. This is a labor-intensive, difficult process that cannot be rushed and should be inclusive, that is, consideration of the inputs of others—employees, community members, elected officials, other agencies—should be included in the process. Final decisions, however, remain with law enforcement administrators to make changes as best determined by their collective judgment of responsibilities, priorities, and available resources.

A number of factors may be included in each component of the R3 exercise, as described below.

Reassessing

Examine both current priorities and new priorities for intelligence and homeland security to determine what activities need to be continued to maintain community safety and fulfill the police mission related to crime, order maintenance, and terrorism. This assessment should include consideration of a number of variables, such as the following:

- The number of calls for service received by the police department and the ability to handle those calls for service.
- Specialization currently in the police department, e.g., gangs, narcotics, school programs, initiatives directed toward senior citizens, traffic, etc., and the true demand or need for that specialization
 - Objectivity is critical because special interests can skew priorities
- Specialization that needs to be developed, e.g., intelligence capacity; first responder (including weapons of mass destruction); computer crime/cyberterrorism prevention and investigative expertise; investigative capacity for terrorism; obligation to assign personnel to the Joint Terrorism Task Force
- Resources that can be used to help with police responsibilities of all forms, e.g., police reserves, volunteers, expertise in other agencies, community organizations
- Objective assessment of threats and potential targets within the community and within the region (the latter includes how multijurisdictional crime and terrorist threats would affect an agency directly and indirectly, including mutual aid obligations)
- Current intelligence expertise and practices, including information sharing, and the need to modify these practices, including adding a private sector component for critical infrastructure.
- Political mandates from elected officials and/or the community that should not be ignored because expectations and concerns of these groups must be taken into account in any assessment process.

Refocusing

Guided by the results of the reassessment, a department must develop a plan incorporating its new priorities, as appropriate. Virtually all of the department's current tasks will continue in some form, but the amount of emphasis and proportion of resources devoted to those tasks will differ, notably in light of added homeland security needs.

Refocusing first requires the department to establish its new priorities by reassessing and evaluating its responsibilities. From there it can refocus on its priorities, if needed. **Reassessment** involves information gathering and analysis. **Refocusing** is implementing policy steps to make the changes operational.

Second, each area of responsibility must be weighted (i.e., weight constitutes the amount of emphasis given to each broad area of tasks and determines which area receives the greatest amount of attention.) The author does not suggest that intelligence should be the top priority; indeed, in most police agencies managing calls for service will remain the top priority. Instead, this is a realistic expectation that priorities will change with the addition of intelligence/homeland security and that all responsibilities will be affected to some degree. Therefore, to determine this realignment, responsibilities and weights must be stipulated.

Third, these changes are actually implemented through the issuance of updated (and new when applicable) policies, procedures, and orders. Implementation also requires communication and, in some cases, in-service training to explain and clarify the changes.

Reallocating

Once refocusing decisions have been made, the department must reallocate its resources to meet adjusted priorities. This includes personnel, operating expenses, equipment (from cars to radios to computers), and office space, as needed. There is always the possibility

that the department will receive an increased appropriation for homeland security in its budget. If so, most likely it will be only a proportion of actual resource needs. The difficult process of reallocation is a necessity that will produce some alienation and, in all likelihood, political rifts within the organization. Reallocation, therefore, also requires effective leadership to guide the organization and motivate personnel to understand the necessity of the changes and the concomitant benefits to the community.

There is no explicit recipe for change in an organization. This is particularly true with intelligence where a renewed emphasis is given to a process that is largely not understood by most personnel. There is little guidance and, despite the best plans, time will be needed for experimentation. Agencies should take the time to carefully consider all new responsibilities, balance them with legitimate competing demands within the agency, and make a clear step toward adjusting the organization.

CONCLUSION

As demonstrated throughout this guide, America's law enforcement agencies are facing a new challenge. Throughout the history of policing challenges have been faced, they have been met with resolute determination, and America has been safer as a result. This new challenge is no different. The intent of this guide has been to help America's state, local, and tribal law enforcement agencies make this journey.

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